IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

ORDER

S.B.CRIMINAL MISC. PETITION NO. 196/2004
(Krishna Gopal V/s State of Rajasthan)

Date of Order : 21/08/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. P.N.Mohanani, for the petitioner.
Mr. Ashok Upadhyay, public prosecutor.

BY THE COURT:-

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 02.12.2003 passed by learned Additional Sessions Judge No.1, Bhilwara (for short 'the revisional court' hereinafter) whereby the revision petition filed by the petitioner against the order framing charge dated 20.1.2003 passed by Chief Judicial Magistrate, Bhilwara (for short 'the trial court' hereinafter), was dismissed.

I have heard learned counsel for the parties. Carefully gone through the order of the revisional court as well as of the trial court and the record of the trial court.

It is contended by learned counsel for the petitioner that the seals which were alleged to have been recovered from the present petitioner were not used and therefore, the

counterfeit of the seal has not been prima-facie established and thus, no offence under Section 472 IPC is made out. Learned public prosecutor supported the orders impugned.

Both the courts below concurrently found that prima-facie the petitioner has committed the offence under Section 472 IPC. Section 472 IPC provides that whoever makes or counterfeits any seal, plate or other instrument for making an impression, intending that the same shall be used for the purpose of committing any forgery which would be punishable under Sec. 467 of this Code, or with such intent, has in his possession any such seal, plate or other instrument, knowing the same to be counterfeit, shall be punished with imprisonment for life.

In the instant case, there is evidence of various officers from the District Transport Authority, Bhilwara as also the statement of one Narendra Singh from whom the petitioner got the counterfeit of the seal of District Transport Authority, prepared on the pretext that he is an employee of the District Transport Authority, whereas during investigation, it was revealed that he was not an employee and department had never authorised him to get the seals prepared for District Transport Authority.

It prima-facie shows that the seals were recovered from the present petitioner on his information furnished under

Section 27 of the Evidence Act. At this stage, it cannot be said that the petitioner has not committed the offence. There is ground to presume that the petitioner was found in possession of the seals of Transport Department which are used for affixing on the permit. The seals were got prepared by the petitioner from Narendra Kumar. Witness Narendra Kumar and various officers of the Bhilwara District Transport Officer's office were examined. There was no such authorization from the Transport Department for preparing such seals, which prima-facie goes to show that the petitioner was found in possession of the seals meant to be affixed on the permit. The intention of the petitioner is, therefore, apparent. There is no reason for the petitioner having prepared the seals of the Govt. office i.e. District Transport Office.

In the circumstances, therefore, no case for interference in the order impugned framing charge is made out.

The petition has no force and it is therefore, dismissed. Stay petition also stands dismissed. Record of the court below be returned forthwith.

(H.R.PANWAR),J.

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